

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-83
)	(PHILLIPS/SHIRLEY)
JOSEPH A. BUAIZ, JR., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

The parties came before the undersigned on April 4, 2008, for a telephone conference concerning a discovery dispute pursuant to the process established in the Scheduling Order [Doc. 32 at ¶ 4(i)] in this case. The parties contacted the Court to seek its assistance in resolving a dispute over whether discovery should be stayed pending the resolution of Mr. Buaiz's petition before the Sixth Circuit Court of Appeals for a rehearing *en banc* as to his challenge of the Court's jurisdiction in this matter. During the hearing, Mr. Buaiz stated that he was unaware of any authority establishing that discovery in this matter should be stayed pending the resolution of his petition. Similarly, Ms. Best stated that she was also unaware of any such authority.

Rule 8 of the Federal Rules of Appellate Procedure governs stays pending appeal. Under Rule 8, a party should first file a motion to stay in the District Court. The Court notes that the defendants have filed two such motions [Docs. 20, 29], and that both of these motions were denied. [Docs. 24, 31] Given that the defendants' motions to stay at the District Court level have been denied, the Court is aware of no other basis for this Court to grant defendants the relief requested.

In the absence of any authority supporting the defendants' request, discussion turned to the

outstanding discovery requests. Mr. Buaiz stated that he could, and would, provide responses to the outstanding discovery requests on or before April 21, 2008. The parties also agreed to amend the Scheduling Order [Doc. 32] and extend the discovery deadline to May 19, 2008. In light of the swiftly approaching discovery deadline, the parties stated that they would discuss dates and locations of any depositions that might be needed in this matter. Additionally, the parties stated that they desired to begin settlement negotiations, and indicated that they would discuss a plan and schedule for their settlement negotiations.

In light of the agreement of the parties, the Court accordingly **ORDERS** that the defendants shall respond to the pending discovery requests on or before April 21, 2008. The Court further **ORDERS** that the Scheduling Order in this matter be **AMENDED** to reflect a discovery deadline of May 21, 2008.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge